

ATTORNEY DOCKET NO.: ~~056294~~ 5038

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

**THE PATENT APPLICATION of:**

CAMERON et al.

Appln. No.: 09/889,409

Filed: July 17, 2001

FOR: USE OF 3-HYDROXY-3-METHYLGLUTARYL COENZYME A REDUCTASE INHIBITORS FOR THE MANUFACTURE OF A MEDICAMENT FOR THE TREATMENT OF DIABETIC NEUROPATHY

Group Art Unit: 1614

Examiner: Weddington, K.

Commissioner of Patents  
Washington, D.C. 20231

Date: September 6, 2002

Sir:

# AMENDMENT TRANSMITTAL FORM

1. Transmitted herewith is a Response to Restriction Requirement and Second Preliminary Amendment responding to the Office Action dated June 6, 2002.
2. Additional papers enclosed:

- ☐ Information Disclosure Statement
- ☐ Form PTO-1449, \_\_\_ references included
- ☐ Citations
- ☐ Declaration of Biological Deposit
- ☐ Submission of "Sequence Listing", computer readable form, and amendment pertaining thereto for biotechnology inventions disclosing nucleotide and/or amino acid sequence.
- ☐ Drawings: ☐ Formal ☐ Informal (Correction)

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3. Extension of Time

The proceedings herein are for a patent application and the provisions of 37 C.F.R. § 1.136(a) apply.

☐ Applicant believes that no extension of time is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

☒ Applicant petitions for an extension of time, the fees for which are set out in 37 C.F.R. § 1.17(a), for the total number of months checked below:

<u>Total Months Requested</u>	<u>Fee for Extension</u>	<u>[Fee for Small Entity]</u>
<input type="checkbox"/> one month	\$ 110.00	\$ 55.00
<input checked="" type="checkbox"/> two months	\$ 400.00	\$ 200.00
<input type="checkbox"/> three months	\$ 920.00	\$ 460.00
<input type="checkbox"/> four months	\$ 1,440.00	\$ 720.00
<input type="checkbox"/> five months	\$ 1,960.00	\$ 980.00

If an additional extension of time is required, please consider this a Petition therefor.

☐ An extension for \_\_\_\_\_ months has already been secured and the fee paid therefor of \$\_\_\_\_\_ is deducted from the total fee due for the total months of extension now requested.

Extension of time fee due with this request: \$400.00

4. Constructive Petition

☒ EXCEPT for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0310. This paragraph is intended to be a CONSTRUCTIVE PETITION FOR EXTENSION OF TIME in accordance with 37 C.F.R. § 1.136(a)(3).

5. Fee Calculation (37 C.F.R. §1.16)

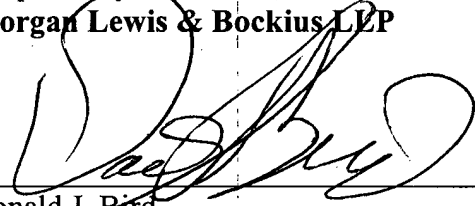
CLAIMS AS AMENDED						
	Claims Remaining After Amendment		Highest No. Previously Paid	Present Extra	at Rate of	Total Fees
Total Claims (37 C.F.R. §1.16(c))	37	minus	21	16	x \$18.00 each=	\$ 288.00
Independent Claims (37 C.F.R. §1.16(b))	13	minus	13	0	x \$84 each=	\$ 0.00
[ ] First presentation of Multiple dependent claim(s)					\$280.00	\$ 0.00
SUB-TOTAL =						\$ 0.00
Fee for <u>2</u> Month Extension of Time						\$ 400.00
Fee for Information Disclosure Statement						\$ 0.00
Reduction by ½ for filing by a small entity						\$ 0.00
TOTAL FEE =						\$ 688.00

6. Fee Payment

- ☒ The Commissioner is hereby authorized to charge \$688.00 to Deposit Account No. 50-0310 representing \$400.00 for 2-month extension of time fee and \$288.00 for additional claims fee.
- ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, including fees due under 37 C.F.R. §§ 1.16 and 1.17, or credit any overpayment to Deposit Account 50-0310.

Respectfully Submitted,  
**Morgan Lewis & Bockius LLP**

By:

  
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PATENT APPLICATION of:

Group Art Unit: 1614

CAMERON et al.

Examiner: Weddington, Kevin

Appln. No.: 09/889,409

Filed: July 17, 2001

FOR: USE OF 3-HYDROXY-3-METHYLGLUTARYL COENZYME A REDUCTASE  
INHIBITORS FOR THE MANUFACTURE OF A MEDICAMENT FOR THE  
TREATMENT OF DIABETIC NEUROPATHY

Date: September 5, 2002

**RESPONSE TO RESTRICTION REQUIREMENT AND  
SECOND PRELIMINARY AMENDMENT**

Hon. Commissioner of Patents  
and Trademarks  
Washington, D.C. 20231

Sir:

This is in response to the One Month Action mailed June 6, 2002, the time for  
responding to which has been extended to and including September 6, 2002 by petition and  
authorization for fee payment, submitted herewith.

***Response to Restriction Requirement***

In response to the restriction requirement set forth in the One Month Action,  
applicants elect Group I, claims 22, 24 and 25, with traverse for the reasons noted below.

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